

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERRY YOUNG LANGFORD,

Petitioner,

v.

Case No. 79-73496

CHARLES ANDERSON,

HONORABLE AVERN COHN

Respondent.

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ORDER DENYING MOTION FOR INDEPENDENT ACTION

I.

Petitioner Terry Young Langford (Petitioner), proceeding pro se, has filed a paper styled "Motion for Independent Action" in which he asks the Court to "recall" the Court's 1981 judgment denying his habeas petition and essentially reconsider the Court's denial of his Rule 60(b)(6) motion in 2008. For the reason that follow, the motion is DENIED.

II.

Petitioner has a long history of challenging his convictions. The Court set forth the background in its order denying Petitioner's Rule 60(b)(6) motion. See Memorandum and Order filed February 11, 2008. Doc. 4. As stated in that order, Petitioner was convicted in 1975 of first degree murder in the deaths of Brenda Freeman and her son Johnny. Petitioner was sentenced to two life terms. Petitioner's conviction and sentence were affirmed on appeal. People v. Langford, 76 Mich. App. 197 (1977); People v. Langford, 403 Mich. 835 (1978). The United States Supreme

Court denied certiorari. 440 U.S. 964 (1979).

On September 10, 1979, Petitioner filed a pro se application for a writ of habeas corpus under § 2254 claiming that (1) the convictions were obtained by the use of a confession induced by a grant of immunity under a plea agreement and (2) his counsel was ineffective. The Court conducted an evidentiary hearing and directed the filing of supplemental briefs, particularly as to the circumstances the execution of the plea agreements and Petitioner's resulting confession. On March 4, 1981, the Court entered an Opinion and Order Denying Writ of Habeas Corpus. Petitioner appealed. The Court of Appeals for the Sixth Circuit affirmed. The mandate issued in 1983.

Ten years later, on December 9, 1993, Petitioner filed a second pro se petition under § 2254. On July 13, 1995, the district court adopted the report and recommendation and dismissed the case. Langford v. LeCureux, 94-CV-68. Petitioner appealed. The Sixth Circuit affirmed. The mandate issued in 1996.

Petitioner then appeared to have returned to the state courts and filed a motion for relief from judgment, which the trial court denied. On March 21, 2006, the Michigan Court of Appeals issued an order denying Petitioner's delayed application for leave to appeal "for failure to meet the burden of establishing entitlement to relief under MCR 6.508(D)." People v. Langford, No. 263967 (Mar. 21, 2006). On November 29, 2007, the Michigan Supreme Court issued a similar order. People v. Langford, No. 131130 (Nov. 29, 2007).

On January 4, 2008, Petitioner filed a motion for relief from judgment under Rule 60(b)(6). The Court denied the motion as untimely and for lack of merit. Doc. 4. The Court also denied a certificate of appealability. Doc. 7. The Sixth Circuit also denied a

certificate of appealability. In the order denying a certificate, the Sixth Circuit also found that Petitioner's Rule 60(b) motion was not brought within a reasonable time and lacked merit. See Doc. 10.

On October 21, 2010, the Court received the instant motion, which Petitioner signed and dated September 30, 2010. The motion appears to be a repetition of the arguments in his Rule 60(b)(6) motion inasmuch as he argues that there was a defect in the integrity of the proceedings related to the resolution of his 1979 habeas petition and the Court should have granted him Rule 60(b)(6) relief. The Court has reviewed Petitioner's motion and related filings. Even assuming Petitioner's motion is timely and otherwise proper, Petitioner has not shown that the Court erred in denying him relief under Rule 60(b)(6). See E.D. Mich. LR 7.1(h)(3). As such, the motion is DENIED.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: October 26, 2010

I hereby certify that a copy of the foregoing document was mailed to Terry Langford (128945) Ryan Correctional Facility, 17600 Ryan Road, Detroit, MI 48212 on this date, October 26, 2010, by ordinary mail.

S/Michael Williams
Relief Case Manager, (313) 234-5160